

Nixon Peabody LLP

Attorneys at Law

Clinton Square
P.O. Box 31051
Rochester, New York 14603-1051
(585) 263-1000

Fax: (585) 263-1600

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FAX

To:	Company	Fax #:	Telephone #:
1) Examiner A. Kubelik Art Unit 1638	USPTO	(703) 746-4990	(703) 308-5059
2)			
3)			
4)			
5)			

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Michael L. Goldman	Date: June 19, 2003	No. of Pages: 8 (including this page)	
Comments: RE: Serial No. 09/025,635 filed February 18, 1998			

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From: Michael L. Goldman	Date: June 19, 2003	No. of Pages: 8 (including this page)	Client/Matter: 19603/1552
User #: 1206	Ext: 1304	Disbursement Amount: \$	

R687499.1

Received from < 585 263 1600 > at 6/19/03 3:30:00 PM [Eastern Daylight Time]

#26152
6/28/03

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

Address to: Mail Stop CPA Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No. of Prior Application	19603/1552 (CRF D-2052D)
	First Named Inventor	Sheng-Zhi Pang
	Examiner Name	A. Kubelik
	Group Art Unit	1638
	Express Mail Label No.	EV138584834US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 02/025,635, filed on February 18, 1998, entitled DNA CONSTRUCT TO CONFER MULTIPLE TRAITS ON PLANTS.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practices," Final Rule, 65 Fed. Reg. 30092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1253 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 128 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provided credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
- ☐ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - ☐ DELETE the following inventor(s) named in the prior nonprovisional application: _____
 - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
 - ☐ PTO-1449
 - ☐ Copies of IDS Citations

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.14(c) or (d))	77-20 =	57	x \$18 =	\$1026.00
	INDEPENDENT CLAIMS (37 CFR 1.14(b) or (3))	2-3 =	0	x \$84 =	\$0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ =
					BASIC FEE (37 CFR 1.16)
					\$750.00
				Total of above Calculations =	\$1776.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
* <i>Reissue claims in excess of 20 and over original patent.</i>					
** <i>Reissue independent claims over original patent.</i>					
TOTAL =					\$

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 14-1138:

a. ☐ Fees required under 37 CFR 1.16.

b. ☐ Fees required under 37 CFR 1.17.

c. ☐ Fees required under 37 CFR 1.18.

8. ☒ A check to cover the \$1776.00 filing fee is enclosed.

9. ☐ Payment by credit card. Form PTO-2038 is attached.

10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(g) is enclosed.

11. ☐ New Attorney Docket Number, if desired _____
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)

b. ☐ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

13. ☐ Other: _____

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS					
<input type="checkbox"/> Customer Number of Bar Code Label			or <input checked="" type="checkbox"/> New correspondence address below		
(Insert Customer No. or Attach bar code label here)					
Name	Nixon Pestbody LLP				
Address	Clinton Square, P.O. Box 31051				
City	Rochester	State	NY	Zip Code	14603-1051
Country	USA	Telephone	(585) 263-1304	Fax	(585) 263-1600

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
Name (Print/Type)	Edwin V. Merkel
Signature	<i>Edwin V. Merkel</i>
Registration No. (Attorney/Agent)	40,087
Date	May 27, 2003

EXPRESS MAIL CERTIFICATE

DOCKET NO.: 19603/1552 (CRF D-2052D)
APPLICANTS: Sheng-Zhi Pang, Dennis Gonsalves, and Fuh-Jyh Jan
TITLE: DNA CONSTRUCT TO CONFER MULTIPLE TRAITS ON PLANTS

Certificate is attached to the Fee Transmittal (1 page) (in duplicate) of the above-named application.

EXPRESS MAIL NUMBER: EV138584834US
DATE OF DEPOSIT: May 27, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop CPA, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Shawn A. Lockett
(Typed or printed name of person
mailing paper or fee)


(Signature of person mailing paper
or fee)

FEE TRANSMITTAL FOR FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$2,186

Complete if Known
Application Number 09/025,635
Filing Date February 18, 1998
First Named Inventor Sheng-Zhi Pang
Examiner Name A. Kubelik
Art Unit 1638
Attorney Docket No. 19603/1552 (CRF D-2052D)

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ Note

☐ Deposit Account:

Deposit Account Number 14-1138

Deposit Account Name Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	750
1002 330	2002 165	Design filing fee	
1003 320	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(5) 750

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
17	-20** = 37	X 18	= 1026
Independent Claims	2	-3** = 0	X 84 = 0
Multiple Dependent		X	= 0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Release independent claims over original patent
1205 18	2205 9	** Release claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$1,026

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet
1053 130	2053 130	Non-English specification
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action
1251 110	2251 55	Extension for reply within first month
1252 410	2252 205	Extension for reply within second month
1253 990	2253 465	Extension for reply within third month
1254 1,450	2254 725	Extension for reply within fourth month
1255 1,970	2255 985	Extension for reply within fifth month
1401 320	2401 160	Notice of Appeal
1402 320	2402 160	Filing a brief in support of an appeal
1403 280	2403 140	Request for oral hearing
1451 1,510	1451 1,510	Petition to institute a public use proceeding
1452 110	2452 55	Petition to revive - unavoidable
1453 1,300	2453 650	Petition to revive - unintentional
1501 1,300	2501 650	Utility issue fee (or reissue)
1502 470	2502 235	Design issue fee
1503 630	2503 315	Plant issue fee
1460 130	1460 130	Petitions to the Commissioner
1807 50	1807 50	Processing fee under 37 CFR 1.17(g)
1806 180	1806 180	Submission of Information Disclosure Sheet
8021 40	8021 40	Recording each patent assignment per property (times number of properties)
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))
1801 750	2801 375	Request for Continued Examination (RCE)
1802 900	1802 900	Request for expedited examination of a design application

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1,410)

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to Mail Stop CPA, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO at _____ on _____

Signature: _____

Name: Jo Ann Whalen

SUBMITTED BY

Name (Print/Type) Edwin V. Merkle
Signature *Edwin V. Merkle*

Registration No. 40,087
(Attorney/Agent)

Complete (if applicable)

Telephone (585) 263-1128

Date May 27, 2003